

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

In Re:

LLS AMERICA, LLC,

Debtor,

BRUCE P. KRIEGMAN, solely in his capacity as court-appointed Chapter 11 Trustee for LLS America, LLC,

Plaintiff,

v.

PHYLLIS BLEA., et al,

Defendants.

NO: CV-12-479-RMP

Bankr. Case No. 09-06194-PCW11

Adv. Proc. No. 11-80294

DEFAULT JUDGMENT

THIS MATTER came on consideration upon the Motion of Plaintiff for

Entry of Default and Judgment against Defendant Eric Garcia, and it appearing

from the file and records of this Court in this cause that the default judgment

(Bkcy. Dkt. No. 121) entered by the Bankruptcy Court should be deemed proposed

1 findings of fact and conclusions of law, and that entering final default judgment in  
2 conformity with the default judgment entered by the Bankruptcy Court is  
3 appropriate,

4 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that the  
5 Plaintiff, Bruce P. Kriegman, solely in his capacity as court-appointed Chapter 11  
6 Trustee for LLS America, LLC, shall have a judgment against Defendant Eric  
7 Garcia, as follows:

8       1. Monetary Judgment in the amount of \$23,961.54 USD, pursuant to 11  
9 U.S.C. § 550 and RCW 19.40.071;

10      2. Transfers in the amount of \$23,961.54 USD made to the Defendant Eric  
11 Garcia within four years prior to the Petition Filing Date are hereby avoided and  
12 Plaintiff may take all necessary action to preserve the same, pursuant to 11 U.S.C.  
13 §§ 544, 550, 551 and 548(a) and (b) and RCW 19.40.041(1) and (2) and RCW  
14 19.40.071;

15      3. All said transfers to Defendant Eric Garcia are hereby set aside and  
16 Plaintiff shall be entitled to recover the same, or the value thereof, from Defendant  
17 Eric Garcia for the benefit of the estate of LLS America, pursuant to 11 U.S.C. §§  
18 544, 550 and 551;

19      4. A constructive trust is hereby established over the proceeds of all  
20 transfers in favor of the Trustee for the benefit of the estate of LLS America; and

1       5. Plaintiff is hereby awarded costs (i.e. filing fees) in the amount of \$250.00  
2 USD, for a total judgment of \$24,211.54 USD, which shall bear interest equal to  
3 the weekly average of one-year constant maturity (nominal) treasury yield as  
4 published by the Federal Reserve System.

5              The District Court Clerk is directed to enter this Order, enter judgment as  
6 outlined above, and provide copies to counsel and to Judge Patricia C. Williams.

7              DATED this 1st day of November 2012.

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10              s/ Rosanna Malouf Peterson  
11              ROSANNA MALOUF PETERSON  
12              Chief United States District Court Judge  
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